

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH MADISON STREMEL,

Defendant.

CR 21-11-M-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on May 26, 2021. (Doc. 35.) As neither party objected, they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Defendant Joseph Madison Stremel’s guilty plea after Stremel appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of Receipt of Firearm and Ammunition by Person Under Indictment, in violation of 18 U.S.C.

§ 922(n), as alleged in the Indictment. (*Sealed* Doc. 1.) Stremel also agreed to the forfeiture allegation in the Indictment. (Doc. 35 at 1.)

Reviewing for clear error, the Court finds none, and IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 35) IN FULL.

IT IS FURTHER ORDERED that Joseph Madison Stremel's motion to change plea (Doc. 24) is GRANTED, and Joseph Madison Stremel is adjudged guilty as charged in the Indictment.

DATED this 10th day of June, 2021.



Dana L. Christensen, District Judge
United States District Court